

REMARKS

Amendments

Applicants gratefully acknowledge the Examiner's indication that claims 5, 11, 22, and 49-62 recite allowable subject matter. The independent claims 1, 14, and 15 are now amended to incorporate the features of allowable claim 5. Thus, independent claims 1, 14, and 15, and all claims dependent thereon, are now in condition for allowance.

As a result of the amendments to the independent claims, claims 2-6, 8, 11, and 33-38 are cancelled. Claims 49-62 are amended to be consistent with the language of the amended independent claims. Claims 9, 10, 31, and 32 are amended to depend from claim 1, rather than cancelled claim 2. Claim 52 is amended to depend from claim 15, rather than cancelled claim 16. Claims 1, 14, 15, 31, 32 and 39-48 are amended to expressly indicate that references to a compound of formula I also includes pharmaceutically acceptable salts thereof. Finally, claims 15, 20, 21, and 42 are amended to correct obvious typographical errors.

It is respectfully submitted that these amendments do not raise new issues requiring further search. Moreover, these amendments place the application in condition for allowance. Entry of the amendments is respectfully requested.

Claim Objections

Claims 21 and 22 are amended above to change "mesylates" to mesylates. Claims 33-38 are cancelled, and claim 52 is amended to depend from claim 15. Withdrawal of the claim objections is respectfully requested.

Rejection of Claims 38 under 35 USC §112, second paragraph

By the above amendments, claim 38 is cancelled. Thus, the rejection under 35 USC §112, second paragraph, is rendered moot. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC §112, first paragraph

Claims 1-4, 6-10, 14, 15, 17-21, and 25-28 are rejected rejection under 35 USC §112, first paragraph, on grounds of lack of written description. Applicants respectfully traverse this rejection.


The rejection asserts that there is no written description of the concept of the compound of formula (I) and the Bcr-Abl tyrosine kinase inhibitor being in a synergistic ratio. The rejection refers specifically to "amendments" recently made to claims 1, 14, and 15.

However, this concept was part of the original claim 14. It was not introduced by amendment. Original claim 14 expressly stated that "the compound of formula (I) and the Bcr-Abl tyrosine kinase inhibitor are present in a synergistic ratio." Thus, this original disclosure, which includes original claim 14, clearly stated the concept of the compound of formula (I) and the Bcr-Abl tyrosine kinase inhibitor being in a synergistic ratio broadly, and not only with respect to certain combinations. To satisfy the written description requirement, all that is needed is for the disclosure to "reasonably convey" that applicants' had possession of the claimed subject matter at the time of filing. See, e.g., *In re Kaslow*, 217 USPQ 1089 (Fed. Cir. 1982). The above discussion demonstrates that the possession of the concept in question was clearly conveyed by applicants' original disclosure as filed.

In any event, for purposes of furthering prosecution and to obtain early allowance of the instant application, applicants have amended the independent claims to recite the features recited in allowable prior claim 5 Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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